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UNCLAS SECTION 01 OF 04 SANTIAGO 000186

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SUBJECT: CHILE 2009 UPDATED INFORMATION ON CHILD LABOR

REF: A) 09 STATE 131995; B) 08 SANTIAGO 723; C) 09 SANTIAGO 133

¶1. Below is Post's response to Ref A request for updated information on the worst forms of child labor and forced labor in Chile.

TASKING 1/TVPRA

¶2. Pol specialist spoke with officials from the Ministry of Labor, the ILO, union representatives and labor activists who confirmed that no new information regarding the possible production of goods with child or forced labor has been made available since Post's last submission (Ref B).

TASKING 2/TDA

¶3. Post completed a major revision and update to the TDA tasker last year (Ref C). This cable reflects new information and changes since that report.

¶4. During 2009 there have been no significant changes in the prevalence and sectoral distribution of exploitative child labor (2A) nor have any new laws and regulations been enacted (2B). Updated information to Ref C is provided below.

2C - Hazardous Child Labor and Forced Child Labor

¶5. There have been no changes in the agencies responsible for the enforcement of laws related to hazardous child labor and forced child labor since last year (Ref C). No specific complaint mechanism regarding hazardous child labor and forced child labor

exists.

¶6. Labor inspectors imposed sanctions in 47 cases between January and October of 2009. The majority of cases were for infractions to work contract requirements for those aged 15 to 18; 10 infractions were for hiring a minor under 15 years of age. Other infractions include one for hazardous work, four for having minors work more than eight hours a day and three for having minors work at night. Post's request to the Labor Directorate for updated statistical information regarding labor inspections in the area of child labor is pending and will be reported septel.

¶7. Regarding requests for new information for the 2009 Worst Forms of Child Labor report (para 21, section 2C in Ref A), the Chilean government does not maintain separate statistics for hazardous and forced child labor.

2D - Child Trafficking, Commercial Sexual Exploitation of Children, Children in Illicit Activities

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¶8. In general, the Chilean government does not maintain separate statistics for child trafficking, commercial sexual exploitation of children, and the use of children in illicit activities (as requested in para 21, section 2D in Ref A). Post has indicated, where possible, what type of worst form of child labor is being addressed, but in many instances this level of specificity was not possible.

¶9. The country does not have agencies and personnel dedicated exclusively to the enforcement of laws against child trafficking, commercial sexual exploitation of children (CSEC), or the use of children in illicit activities (2D), although the Public Ministry (national prosecutor), the national uniformed police (Carabineros), and the national investigations police (PDI) have family crimes or sex crimes units that address trafficking and commercial sexual exploitation of children, among other crimes. There has been no change in the agencies responsible for the enforcement of laws against the exploitation of children in these areas since last year (Ref C). The country does not have a central hotline for reporting trafficking/CSEC or the use of children in illicit activities.

¶10. The National Service for Minors (SENAM) continues to head the National Task Force on Worst Forms of Child Labor, which compiles a national register of cases. During 2009 there were 289 detected cases of children and adolescents involved in the worst forms of child labor and 56 percent of these cases involved girls. The majority of worst forms cases are of a commercial sexual nature. Post's request to SENAM for more detailed statistical information regarding worst forms cases is pending and will be reported septel.

¶11. During 2009 SENAM assisted 1,062 children or adolescent victims of commercial sexual exploitation. The majority of these were assisted at one of 14 specialized programs for CSEC victims funded by SENAM. During 2009 SENAM secured funding to open two new specialized programs in northern Chile during the first half of ¶2010. Senam is also in the process of opening 14 new "Specialized Integral Intervention" programs for at-risk children and

adolescents including, but not limited to, victims of commercial sexual exploitation.

¶12. SENAME and the Chile office of the International Organization for Migration (IOM) secured PRM funding in 2009 to implement five train-the-trainers workshops within SENAME focused on improving detection of child trafficking. The workshops will be held in five different regions of the country during the first half of 2010.

¶13. During 2009 the Public Ministry (national prosecutor) opened 333 investigations into cases of commercial sexual exploitation of children (including all pornography-related cases) and the criminal courts handed down 72 convictions.

¶14. In May 2009 the National Tourism Service (SERNATUR), SENAME and the ILO signed an agreement to work together in the prevention of child sex tourism. In September 2009 the tourist card that all incoming international tourists receive at airports or border crossings was updated to carry a slogan highlighting that the commercial sexual exploitation of children is a crime in Chile. Authorities also distributed an information flyer to incoming international tourists at the airport.

¶15. The PDI's National Office for Crimes Against the Family (JENAFAM) continued to conduct community-based training workshops in the prevention of commercial sexual exploitation of children for

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adolescents, university students and adults throughout 2009.

2E - Government Policies on Child Labor

¶16. There have been no changes to the government's National Action Plan for the Prevention and Progressive Eradication of Child Labor described in Ref C.

¶17. In June 2009 the Ministry of Labor signed an agreement with the Confederation of Production and Commerce (CPC), one of the country's largest and most important business associations, to collaborate in the eradication of the worst forms of child labor. The ILO helped coordinate this agreement under the rubric of the National Program for Decent Work that has as one of its primary goals the eradication of exploitative child labor. The agreement includes commitments on the part of the CPC to help disseminate ILO's "Guides for Employers" on the elimination of exploitative child labor within its membership structure as well as to sub-contractors, service providers and suppliers of CPC member companies.

¶18. Also as part of the National Program for Decent Work, in September 2009 government representatives, workers representatives, and employer representatives reviewed and approved the list of hazardous work. This list, which was originally published in 2007, defines all occupations considered dangerous to the health and development of adolescents.

¶19. Multiple government agencies continued to participate in the National Advisory Committee to Eradicate Child Labor, as described in Ref C.

2F - Social Policies

¶20. In September 2009 the Minister of Labor, the Minister of Development and Planning (MIDEPLAN) and the ILO-IPEC (In-Focus Program on Child Labor) representative announced the development of a specialized child labor program for children and adolescents within the government's System of Social Protection. This is the first program to explicitly incorporate the issue of exploitative child labor into social protection policies. The program includes both preventive actions and assistance for children and adolescent victims of exploitative child labor.

¶21. Within the framework of its bilateral cooperation agreement with Bolivian counterparts, SENAME representatives participated in the Third Workshop on the prevention of worst forms of child labor, with an emphasis on the trafficking of children in the northern border area, in December 2009 in Potosi, Bolivia.

¶22. SENAME and the ILO published a flyer on Migration and Child Labor summarizing the findings of a 2008 study (attached).

2G - Continual Progress

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¶23. Chile continues to make progress toward eliminating the worst forms of child labor. Chilean government agencies, NGOs and civil society organizations are committed to protecting the rights of children. The National Advisory Committee and the National Task Force on Worst Forms of Child Labor both meet regularly and actively pursue their agendas.

¶24. ILO-IPEC representative Maria Jesus Silva told E/POL Specialist that Chile continues to make progress. She highlighted the agreement with the CPC (para 16) as particularly noteworthy, as it will permit preventive information on child labor and children's rights to reach small and medium size businesses that are part of the supply-chain of the large businesses that make up CPC.

¶25. While detected cases of children found in the worst forms of child labor went up slightly in 2009 as compared to 2008, this increase may be due to greater visibility of the problem of exploitative child labor and an improved ability of government authorities to detect it. The majority of worst forms cases continue to be related to commercial sexual exploitation.

¶26. As reference material, Post will send A) an August 2009 study of household makeup within the agricultural, fishing and forestry sector that contains some information on child labor; and B) a PDF version of the Migration and Child Labor flyer to Leyla Strotkamp and Tina McCarter via email. Both documents are in Spanish.
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